



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James S. McCormick, et al.

Title: METHOD AND APPARATUS FOR PROCESSING CALL
SIGNALING MESSAGES

App. No.: 09/246,612 Filed: 02-08-1999

Examiner: Tang, Kenneth Group Art Unit: 2195

Atty. Dkt. No. 1400.9801020

Mail Stop PETITION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER
37 CFR 1.181(a) OR, IN THE ALTERNATIVE, PETITION FOR REVIVAL OF
AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. § 1.137(b)**

Dear Sir:

The Office acknowledges a petition under 37 CFR 1.47(a) was filed August 30, 1999, noting a certificate of mailing date of August 25, 1999. On March 20, 2006, the Office mailed a copy of the decision on the petition, whereby the Office dismissed the petition. On October 20, 2006, mailed a request for reconsideration of petition under 37 CFR 1.47(a). On June 17, 2008, the Office mailed a copy of the decision on the request for reconsideration of petition, whereby the Office dismissed the petition. The decision states, "Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted."

On August 28, 2008, the Office mailed a Notice of Withdrawal from Issue under 37 CFR 1.313(b). On September 2, 2008, the Office mailed a Notice of Abandonment stating, "This application is abandoned in view of: Applicant's failure to timely file a proper reply to the Office letter mailed on 17 June 2008." However, as Applicant noted above, the Office letter mailed June 17, 2008, expressly stated that "Extensions of time under 37 CFR 1.136(a) are permitted." Applicant files

herewith a Request for Reconsideration of Petition under 37 CFR 1.47(a), including a Petition for Extension of Time under 37 CFR 1.136(a) and the corresponding extension fee. Thus, Applicant submits Applicant's response is timely, as expressly provided by the Office letter mailed June 17, 2008, and, therefore, Applicant submits the Notice of Abandonment is improper and respectfully requests the holding of abandonment be withdrawn.

Applicant notes MPEP § 711.03(c) states, in part, as follows:

37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181 (f).

Applicant submits the present petition to withdraw the holding of abandonment is being filed within two months of the mail date of the notice of abandonment. Thus, Applicant submits the present petition may not be dismissed as untimely.

Applicant also notes MPEP § 711.03(c) states, in part, as follows:

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.

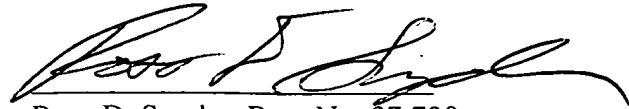
Thus, Applicant submits no fee is required for the present petition for withdrawal of holding of abandonment. However, the Director is hereby authorized to charge any fee pertaining to this communication, and to refund any overpayment, to Deposit Account No. 50-1566.

In the alternative, if the Office should hold that the abandonment was proper and that above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office, Applicant respectfully petitions for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b). In such an event, the date of abandonment would be the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. In such an event, APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional as set forth under 37 C.F.R. §

1.137(b)(3). The Director is hereby authorized to charge any fee pertaining to this communication, and to refund any overpayment, to Deposit Account No. 50-1566.

Respectfully submitted,

10/17/2008
Date



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REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

The Office acknowledges a petition under 37 CFR 1.47(a) was filed August 30, 1999, noting a certificate of mailing date of August 25, 1999. On March 20, 2006, the Office mailed a copy of the decision on the petition, whereby the Office dismissed the petition. On October 20, 2006, mailed a request for reconsideration of petition under 37 CFR 1.47(a). On June 17, 2008, the Office mailed a copy of the decision on the request for reconsideration of petition, whereby the Office dismissed the petition.

The Office states, in the decision on the request for reconsideration of petition, that "an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented." The Office further states, "Given the specific facts surround this situation, the inventors, signed by at least one joint inventor or an empowered representative the assignee of interest of all inventors who executed the declaration." The Office also states, "An assignee must comply with the requirements of 37 CFR 3.73(b)."

Accordingly, Applicant submits herewith a Supplemental Declaration executed by an officer of the assignee authorized to act on behalf of the assignee, wherein the assignee makes application for patent on behalf of and as an agent for the inventor(s), pursuant to 35 U.S.C. § 118. Applicant also submits herewith a Statement under 37 CFR 3.73(b), including chain of title documents referenced in

the Statement under 37 CFR 3.73(b). Thus, Applicant submits the present request for reconsideration of petition satisfies the requirements stated by the Office in the decision on the previous request for reconsideration of petition. Therefore, Applicant submits the present application is in condition for allowance.

Respectfully submitted,

10/17/2008
Date



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